

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.355 OF 2003
IN
SUMMARY SUIT NO.640 OF 2003

Rosy Blue Securities Pvt. Ltd. ..Plaintiffs.

Vs.

Mayank Khandwala ..Defendant.

Mr.V.R.Dhond i/b.DSK Legal for the Plaintiffs.

Mr.V.N.Kantawala i/b.M/s.Kantawala & Co. for the
Defendant.

CORAM: S.J.VAZIFDAR, J.
DATED: 9TH JUNE, 2005

P.C. :

The suit is filed to recover the amounts due upon an account stated and settled between the parties contained in a writing dated 14th September, 2002. There is no dispute that the account was so stated and settled between the parties.

2. The account was stated and settled in respect of transactions in securities between the Plaintiff and the Defendant under an agreement dated 23rd December, 1999. The only defence urged before me was that some of the bills were raised in the name of the Plaintiff describing it to be a Private Limited Company and other invoices were raised where

the word "Private" has been dropped. This is no defence at all. The word "Private" was retained at times and dropped at other times in view of section 43A of the Companies Act, 1956. There is therefore no defence to the suit.

3. In the circumstances, the Summons for Judgment is made absolute and the suit is decreed as prayed.

4. Refund of Court fees as per rules.

For the purpose of refund, all parties to act on an authenticated copy of this order.